

**ENTERED**

February 01, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

MARK JAMAL KEAREY,

Plaintiff,

VS.

BRYAN COLLIER, *et al*,

Defendants.

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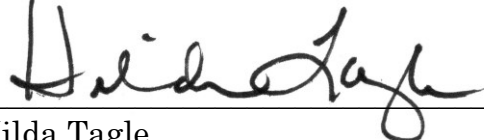
CIVIL NO. 2:17-CV-00080

**ORDER**

The Court is in receipt of Plaintiff's motion for default judgment. Dkt. No. 27. In her Memorandum and Recommendation (M&R), the Magistrate Judge to whom this case was referred pursuant to 28 U.S.C. § 636(b) concluded that (1) Defendants have demonstrated that their failure to timely file their amended motion to dismiss was due to a good faith mistake and (2) Plaintiff has suffered no prejudice due to Defendants' delay. Dkt. No. 36 at 5. The deadline to file objections to the Magistrate Judge's proposed conclusions of law and recommendations has passed, and the docket sheet shows that no objections have been filed. *See* 28 U.S.C. § 636(b)(1) (setting a 14-day deadline to file objections); FED. R. CIV. P. 72(b)(2) (same); *see also* Dkt. No. 36 at 6 (advising parties of the 14-day deadline).

After independently reviewing the record and considering the applicable law, the Court adopts the proposed M&R in its entirety. The Court hereby **DENIES** Plaintiff's motion for default judgment. Dkt. No. 27.

SIGNED this 31st day of January, 2018.



Hilda Tagle  
Senior United States District Judge